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6 Attorneys for Plaintiffs

Broadcast Music, Inc.; Nu Shooz Orchestra LLC;

7 Amazement Music; Wide Grooves Music; Gliro Music

Inc.; Sony/ATV Latin Music Publishing LLC; Runway

8 Star Music Publishing; Warner-Tamerlane Publishing

Corp.; McMoore McLesst Publishing; Hip City Music,

9 Inc.; Hifrost Publishing; EMI Blackwood Music Inc.;

Collipark Music; Da Crippler Publishing; E W C

10 Publishing Co.; Corey Fowler; Cahron Childs and

Chanti Glee

11
12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14
15 BROADCAST MUSIC, INC.; NU

SHOOZ ORCHESTRA LLC;

16 AMAZEMENT MUSIC; WIDE

GROOVES MUSIC; GLIRO MUSIC

17 INC.; SONY/ATV LATIN MUSIC

PUBLISHING LLC; RUNWAY STAR

18 MUSIC PUBLISHING; WARNER-

TAMERLANE PUBLISHING CORP.;

19 MCMOORE MCLESST PUBLISHING;

HIP CITY MUSIC, INC.; HIFROST

20 PUBLISHING; EMI BLACKWOOD

MUSIC INC.; COLLIPARK MUSIC; DA

21 CRIPPLER PUBLISHING; E W C

PUBLISHING CO.; COREY FOWLER;

22 CAHRON CHILDS and CHANTI GLEE,

each individually,

23 Plaintiffs,

24 v.

25 WESTERN MARINE CHARTERS, INC

d/b/a GRAND ROMANCE RIVERBOAT;

26 and WILLIAM J. BARKER, individually,

27 Defendants.

Case No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

COMPLAINT

Plaintiffs, Broadcast Music, Inc., Nu Shooz Orchestra LLC, Amazement Music, Wide Grooves Music, Gliro Music Inc., Sony/ATV Latin Music Publishing LLC, Runway Star Music Publishing, Warner-Tamerlane Publishing Corp., McMoore McLesst Publishing, Hip City Music, Inc., Hifrost Publishing, EMI Blackwood Music Inc., Collipark Music, Da Crippler Publishing, E W C Publishing Co., Corey Fowler, Cahron Childs and Chanti Glee (“Plaintiffs”), by their attorneys, for their Complaint for Copyright Infringement, against Defendants, Western Marine Charters, Inc. d/b/a Grand Romance Riverboat and William J. Barker (“Defendants”) allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”), is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Nu Shooz Orchestra LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

1 6. Plaintiff Amazement Music is a sole proprietorship owned by Frankie
2 Beverly. This Plaintiff is the copyright owner of at least one of the songs in this matter.

3 7. Plaintiff Wide Grooves Music is a sole proprietorship owned by Ishmael
4 Butler. This Plaintiff is the copyright owner of at least one of the songs in this matter.

5 8. Plaintiff Gliro Music Inc. is a corporation. This Plaintiff is the copyright
6 owner of at least one of the songs in this matter.

7 9. Plaintiff Sony/ATV Latin Music Publishing LLC is a limited liability
8 company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9 10. Plaintiff Corey Fowler is an individual. This Plaintiff is the copyright owner
10 of at least one of the songs in this matter.

11 11. Plaintiff Cahron Childs is an individual. This Plaintiff is the copyright owner
12 of at least one of the songs in this matter.

13 12. Plaintiff Chanti Glee is an individual. This Plaintiff is the copyright owner of
14 at least one of the songs in this matter.

15 13. Plaintiff Runway Star Music Publishing is a sole proprietorship owned by
16 Ebony Star West. This Plaintiff is the copyright owner of at least one of the songs in this
17 matter.

18 14. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff
19 is the copyright owner of at least one of the songs in this matter.

20 15. Plaintiff McMoore McLesst Publishing is a partnership owned by Daniel
21 Quine Auerbach and Patrick James Carney. This Plaintiff is the copyright owner of at least
22 one of the songs in this matter.

23 16. Plaintiff Hip City Music, Inc. is a corporation. This Plaintiff is the copyright
24 owner of at least one of the songs in this matter.

25 17. Plaintiff Hifrost Publishing is a partnership owned by Hiriam Hicks and Elliot
26 Straite. This Plaintiff is the copyright owner of at least one of the songs in this matter.

27 18. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the
28 copyright owner of at least one of the songs in this matter.

19. Plaintiff Collipark Music is a sole proprietorship owned by Michael Antoine Crooms. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff Da Crippler Publishing is a sole proprietorship owned by Eric Von Jackson, Jr. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Plaintiff E W C Publishing Co. is a sole proprietorship owned by Deongelo Marquel Holmes. This Plaintiff is the copyright owner of at least one of the songs in this matter.

22. Defendant Western Marine Charters, Inc. is a corporation organized and existing under the laws of the state of California, which operates, maintains and controls an establishment known as Grand Romance Riverboat, located at 200 Aquarium Way #4, Long Beach, CA 90802, in this district (the "Establishment").

23. In connection with the operation of the Establishment, Defendant Western Marine Charters, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

24. Defendant Western Marine Charters, Inc. has a direct financial interest in the Establishment.

25. Defendant William J. Barker is the President of Defendant Western Marine Charters, Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

26. Defendant William J. Barker has the right and ability to supervise the activities of Defendant Western Marine Charters, Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

27. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 26.

28. Plaintiffs allege eight (8) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are

1 governed by the same legal rules and involve similar facts. Joinder of these claims will
 2 promote the convenient administration of justice and will avoid a multiplicity of separate,
 3 similar actions against Defendants.

4 29. Annexed to this Complaint as a schedule (the "Schedule") and incorporated
 5 herein is a list identifying some of the many musical compositions whose copyrights were
 6 infringed by Defendants. The Schedule contains information on the eight (8) claims of
 7 copyright infringement at issue in this action. Each numbered claim has the following eight
 8 lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing
 9 the claim number; Line 2 listing the title of the musical composition related to that claim;
 10 Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the
 11 publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim
 12 at issue; Line 5 providing the date on which the copyright registration was issued for the
 13 musical composition; Line 6 indicating the copyright registration number(s) for the musical
 14 composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the
 15 Establishment where the infringement occurred.

16 30. For each work identified on the Schedule, the person(s) named on Line 3 was
 17 the creator of that musical composition.

18 31. For each work identified on the Schedule, on or about the date(s) indicated on
 19 Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied
 20 in all respects with the requirements of the Copyright Act and received from the Register of
 21 Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

22 32. For each work identified on the Schedule, on the date(s) listed on Line 7,
 23 Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical
 24 composition identified on Line 2. For each work identified on the Schedule, on the date(s)
 25 listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright
 26 in the respective musical composition listed on Line 2.

27 33. For each work identified on the Schedule, on the date(s) listed on Line 7,
 28 Defendants publicly performed and/or caused to be publicly performed at the Establishment

1 the musical composition identified on Line 2 without a license or permission to do so.

2 Thus, Defendants have committed copyright infringement.

3 34. The specific acts of copyright infringement alleged in the Complaint, as well
4 as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and
5 incalculable damage. By continuing to provide unauthorized public performances of works
6 in the BMI Repertoire at the Establishment, Defendants threaten to continue committing
7 copyright infringement. Unless this Court restrains Defendants from committing further
8 acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have
9 no adequate remedy at law.

10 35. Plaintiffs seek statutory damages pursuant to 17 U.S.C. § 504. Plaintiffs
11 further seek an order that Defendants be enjoined, pursuant to 17 U.S.C. § 502 from
12 infringing, in any manner, the copyrighted musical compositions licensed by BMI.

13 WHEREFORE, Plaintiffs pray that:

14 (I) Defendants, their agents, servants, employees, and all persons acting under
15 their permission and authority, be enjoined and restrained from infringing, in any manner,
16 the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

17 (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C.
18 Section 504(c);

19 (III) Defendants be ordered to pay costs, including a reasonable attorney's fee,
20 pursuant to 17 U.S.C. Section 505; and

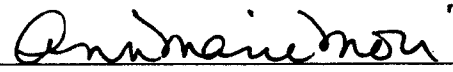
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1 (IV) Plaintiffs have such other and further relief as is just and equitable.
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3 Dated: November 3, 2015

Respectfully submitted,

4 JEFFREY W. KRAMER
5 ANNMARIE MORI
6 TROYGOULD PC

7 By: 
8 AnnMarie Mori
9 Attorneys for Plaintiffs
10 Broadcast Music, Inc.; Nu Shooz Orchestra
11 LLC; Amazement Music; Wide Grooves Music;
12 Gliro Music Inc.; Sony/ATV Latin Music
13 Publishing LLC; Runway Star Music
14 Publishing; Warner-Tamerlane Publishing
15 Corp.; McMoore McLesst Publishing; Hip City
16 Music, Inc.; Hifrost Publishing; EMI
17 Blackwood Music Inc.; Collipark Music; Da
18 Crippler Publishing; E W C Publishing Co.;
19 Corey Fowler; Cahron Childs and Chanti Glee
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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	I Can't Wait
Line 3	Writer(s)	John Smith
Line 4	Publisher Plaintiff(s)	Nu Shooz Orchestra LLC
Line 5	Date(s) of Registration	7/7/86 7/9/86
Line 6	Registration No(s).	PA 292-752 PA 294-470
Line 7	Date(s) of Infringement	9/7/2013
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	2
Line 2	Musical Composition	Joy And Pain
Line 3	Writer(s)	Frankie Beverly
Line 4	Publisher Plaintiff(s)	Frankie Beverly d/b/a Amazement Music
Line 5	Date(s) of Registration	7/28/80
Line 6	Registration No(s).	PA 94-426
Line 7	Date(s) of Infringement	7/10/2015
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	3
Line 2	Musical Composition	Rebirth of Slick Cool Like Dat
Line 3	Writer(s)	Ishmael Butler; Mary Ann Vieira
Line 4	Publisher Plaintiff(s)	Ishmael Butler, an individual d/b/a Wide Grooves Music; Gliro Music Inc.
Line 5	Date(s) of Registration	2/9/93
Line 6	Registration No(s).	PA 959-865
Line 7	Date(s) of Infringement	7/11/2015
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	4
Line 2	Musical Composition	Suavemente
Line 3	Writer(s)	Elvis Crespo
Line 4	Publisher Plaintiff(s)	Sony/ATV Latin Music Publishing LLC
Line 5	Date(s) of Registration	1/29/99
Line 6	Registration No(s).	PA 934-438
Line 7	Date(s) of Infringement	7/10/2015
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	5
Line 2	Musical Composition	Teach Me How To Dougie
Line 3	Writer(s)	Ebony West; Corey Fowler; Cahron Childs; Chanti Glee
Line 4	Publisher Plaintiff(s)	Corey Fowler; Cahron Childs; Chanti Glee; Ebony Star West, an individual d/b/a Runway Star Music Publishing; Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	6/27/11
Line 6	Registration No(s).	PA 1-744-864
Line 7	Date(s) of Infringement	7/10/2015
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	6
Line 2	Musical Composition	Tighten Up
Line 3	Writer(s)	Dan Auerbach; Patrick Carney
Line 4	Publisher Plaintiff(s)	Daniel Quine Auerbach and Patrick James Carney, a partnership d/b/a McMoore McLesst Publishing
Line 5	Date(s) of Registration	6/1/10
Line 6	Registration No(s).	PA 1-698-031
Line 7	Date(s) of Infringement	9/7/2013
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	7
Line 2	Musical Composition	Poison
Line 3	Writer(s)	Elliot T. Straite
Line 4	Publisher Plaintiff(s)	Hip City Music Inc.; Hiram Hicks and Elliot Straite, a partnership d/b/a Hifrost Publishing
Line 5	Date(s) of Registration	8/14/89 3/19/90 6/7/90
Line 6	Registration No(s).	PAu 1-264-846 PAu 1-410-225 PA 475-115
Line 7	Date(s) of Infringement	7/11/2015
Line 8	Place of Infringement	Grand Romance Riverboat

Line 1	Claim No.	8
Line 2	Musical Composition	1st Booty On Duty
Line 3	Writer(s)	Eric Jackson; Deongelo Holmes; Michael Antoine Crooms
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.; Michael Antoine Crooms d/b/a Collipark Music; Eric Von Jackson, Jr. d/b/a Da Crippler Publishing; Deongelo Marquel Holmes d/b/a E W C Publishing Co.
Line 5	Date(s) of Registration	2/8/07
Line 6	Registration No(s).	PA 1-167-042
Line 7	Date(s) of Infringement	9/7/2013
Line 8	Place of Infringement	Grand Romance Riverboat
